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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

DANNIE FOUNTAIN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

YOUMAIL, INC., a Delaware corporation,

Defendant.

Case No. 3:12-cv-02967-DMS-WVG

**PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL
PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE
41(a)(1)(A)(i)**

Judge: Hon. Dana M. Sabraw

Action Filed: December 13, 2012

PLEASE TAKE NOTICE that Plaintiff Dannie Fountain ("Plaintiff"), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), hereby voluntarily dismisses this case in its entirety, without prejudice as to her individual claims and without prejudice as to the claims of the putative class members.

Federal Rule of Civil Procedure 41(a) provides, in relevant part that: "the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment...." Fed. R. Civ. P. 41(a)(1)(A)(i). Defendant YouMail, Inc. ("Defendant") has neither answered Plaintiff's Complaint nor filed a motion for summary judgment. Accordingly, this matter may be dismissed without prejudice, and without an Order of the Court.

Respectfully submitted,

Dated: January 4, 2013

DANNIE FOUNTAIN

By: /s/ Sean P. Reis
One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I, Sean P. Reis, an attorney, hereby certify that on January 4, 2013, I served the above and foregoing ***Plaintiff's Notice of Voluntary Dismissal Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i)*** by causing true and accurate copies of such paper to be filed with the Court and transmitted to all counsel of record via the Court's CM/ECF electronic filing system, on this 4th day of January, 2013.

/s/ Sean P. Reis